



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant(s) : Isabella A. Atencio, Drake M. LaFace, Muralidhara Ramachandra and Paul W. Shabram

Title : Calpain Inhibitors and their Applications

Serial No. : 09/416,735

Filed : October 13, 1999

Docket No. : CJ-0897Q US

Examiner:

Anne-Marie Falk, Ph.D.

Group Art Unit:

1632

**Amendment and
Response to Office Action**

#19/D
7/13/03

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Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

Sir:

This Amendment and Response to Office Action ("Response") is responsive to the Office Action Dated November 4, 2002 ("Office Action"), Paper No. 16, in the above referenced patent application.

TIME FOR RESPONSE

The Office Action set a shortened statutory period for response of three months resulting in a due date of February 4, 2003 extendible pursuant to the provisions of 37 C.F.R. §1.136(a). Accompanying this Response is a petition for a three month extension of time pursuant to 37 C.F.R. §1.136(a) and payment of the requisite fee provided in 37 C.F.R. §1.17(a)(3) thereby extending the time for

CERTIFICATE OF MAILING

The undersigned hereby certifies that the attached correspondence is being deposited as First Class Mail with sufficient postage with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.


Richard B. Murphy


May 5, 2003

response until May 4, 2003. Since May 4, 2003 was a Sunday, this correspondence is considered timely filed on the next business day May 5, 2003 in accordance with the provisions of 37 C.F.R. §1.7. Consequently, the Applicants believe that this Response is timely filed.

AMENDMENT

In the claims:

Please amend claim 5 to read as follows:

- ⑤ 5. (Twice Amended) A method of increasing the infectivity of a cell to a viral vector by treatment of the cell with a micro-calpain inhibitor wherein said method is practiced *in vitro* or *ex vivo*.

Please cancel claim 32.

In claim 33, please change the number "32" to "31"

STATUS OF THE CLAIMS FOLLOWING AMENDMENT

Claims 5-7, 21-31 and 33-36 are pending and subject to rejection pursuant to 35 U.S.C. §112, First Paragraph. Previously pending claim 32 has been cancelled. No claim is allowed.

REMARKS

The Amendments to Claim 5:

The amended version of claim 5 from which all claims depend has been amended to relate the pending claims to *in vitro* and *ex vivo* applications and exclude the *in vivo* applications on which the pending enablement rejections were based. The specification provides widespread support for the *ex vivo* practice of the method and in particular specific support and teaching regarding *ex vivo* applications is provided at for *ex vivo* at page 4, lines 21-23; page 8, line 33 through page 9, line 3; and page 33, line 27 through page 34, line 19. Support for *in vitro* applications of the present invention is provided throughout the